

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRUCE WHITE, on Behalf of Himself and
All Others Similarly Situated.,

Plaintiffs,

vs.

CRST, INC.,

Defendant.

CASE NO. 1:11-CV-2615

UNITED STATES DISTRICT JUDGE
JAMES S. GWIN

PLAINTIFF BRUCE WHITE RESPONSES TO CRST'S
FIRST SET OF INTERROGATORIES

Plaintiff, Bruce White, by and through undersigned counsel, hereby responds to Defendant CRST, Inc.'s First Set of Interrogatories as follows:

Interrogatories

1. Please identify all of your residential addresses from 1992 through the present and the dates of your occupancy for each.

Response: Objection. White seeks only statutory damages on behalf of himself and all others similarly situated based upon CRST's violations of the Fair Credit Reporting Act. White's 20-year residential address history is overly broad and not likely to lead to the discovery of admissible evidence pertaining to neither White's claims nor CRST's defenses. Subject to the objection, to the best of his recollection, White resided at the following addresses during the stated periods:

320 S. Garnett Road
Tulsa, Oklahoma 74128
March 2009 – Present



1627 E. 2nd Street
Tulsa, Oklahoma 74120
March 1999 – March 2009

2. Identify by name, address, and any other identifying information in your possession, custody, or control, all persons who you contend constitute members of the “Class” as alluded to in Paragraph 22 of the Complaint.

Response: The identity of such putative class members is unknown at this time. White anticipates discovering the identity of such individuals based upon documents to be provided by CRST and HireRight Solutions, Inc., and will supplement his response accordingly.

3. Identify by name, address, and any other identifying information in your possession, custody, or control, all persons who you contend constitute members of the “sub-class” as alluded to in Paragraph 23.a. of the Complaint.

Response: The identity of such putative class members is unknown at this time. White anticipates discovering the identity of such individuals based upon documents to be provided by CRST and HireRight Solutions, Inc., and will supplement his response accordingly.

4. Identify by name, address, and any other identifying information in your possession, custody, or control, all persons who you contend constitute members of the “sub-class” as alluded to in Paragraph 23.b. of the Complaint.

Response: The identity of such putative class members is unknown at this time. White anticipates discovering the identity of such individuals based upon documents to be

provided by CRST and HireRight Solutions, Inc., and will supplement his response accordingly.

5. Identify by name, address, and any other identifying information in your possession, custody, or control, all persons who you contend constitute members of the "sub-class" as alluded to in Paragraph 23.c. of the Complaint.

Response: The identity of such putative class members is unknown at this time. White anticipates discovering the identity of such individuals based upon documents to be provided by CRST and HireRight Solutions, Inc., and will supplement his response accordingly.

6. Identify all persons whom you contend have knowledge supporting the allegations embodied in Count One of your Complaint, and for each person so identified, describe generally the substance of the knowledge you attribute to them.

Response: White identifies the following individuals in response to this interrogatory:

**Bruce White
320 South Garnett
Tulsa, Oklahoma 74128**

- **Mr. White has information regarding the facts alleged in his Complaint, including the contents of the application, contents of the consumer report at issue and inaccuracies contained therein, and the effect that the inaccurate report had on his ability to obtain employment with CRST, Inc.**

**CRST, Inc. representatives
3930 16th Avenue SW
Cedar Rapids, Iowa 52404**

- **CRST representatives have information regarding the contents of CRST job applications, including but not limited to information about**

purported disclosures to job applicants that a consumer report will be obtained for employment purposes in its applications.

Brooke Willey
Vice President, Human Resources
CRST, Inc.
3930 16th Avenue SW
Cedar Rapids, Iowa 52404

- **Ms. Willey has knowledge of CRST's use of consumer reports to make employment decisions, CRST's purported disclosures to job applicants that a consumer report would be obtained for employment purposes.**

Ron Corbett
Mayor of Cedar Rapids, Iowa
CRST Vice President, Human Resources
321 30th Street SE
Cedar Rapids, Iowa 53403

- **Mr. Corbett has knowledge of CRST's use of consumer reports to make employment decisions, CRST's purported disclosures to job applicants that a consumer report would be obtained for employment purposes.**

Any individual identified in CRST's Rule 26 Initial Disclosures.

7. Identify all persons whom you contend have knowledge supporting the allegations embodied in Count Two of your Complaint, and for each person so identified, describe generally the substance of the knowledge you attribute to them.

Response: White identifies the following individuals in response to this interrogatory:

Bruce White
320 South Garnett
Tulsa, Oklahoma 74128

- **Mr. White has information regarding the facts alleged in his Complaint, including the contents of the application, contents of the consumer report at issue and inaccuracies contained therein, knowledge of what adverse action procedures and notices he received, and the effect that the inaccurate report had on his ability to obtain employment with CRST, Inc.**

Lisa Benson White
320 South Garnett

Tulsa, Oklahoma 74128

- **Mrs. White has information regarding the facts alleged in Mr. White's Complaint, including the contents of the application, contents of the consumer report at issue and inaccuracies contained therein, knowledge of what adverse action procedures and notices Mr. White received, and the effect that the inaccurate report had on Mr. White's ability to obtain employment with CRST, Inc.**

**CRST, Inc. Representatives
3930 16th Avenue SW
Cedar Rapids, Iowa 52404**

- **CRST representatives have information regarding CRST's policies and procedures for taking adverse action in whole or in part upon information contained in consumer reports.**

**Brooke Willey
Vice President, Human Resources
CRST, Inc.
3930 16th Avenue SW
Cedar Rapids, Iowa 52404**

- **Ms. Willey has knowledge regarding CRST's policies and procedures for taking adverse action in whole or in part upon information contained in consumer reports.**

**Ron Corbett
Mayor of Cedar Rapids, Iowa
CRST Vice President, Human Resources
321 30th Street SE
Cedar Rapids, Iowa 53403**

- **Mr. Corbett has knowledge regarding CRST's policies and procedures for taking adverse action in whole or in part upon information contained in consumer reports.**

**Brandi Northway
Driver Recruiter
3930 16th Avenue SW
Cedar Rapids, Iowa 52404**

- **Ms. Northway has knowledge regarding CRST's policies and procedures for taking adverse action in whole or in part upon information contained in consumer reports.**

**Josh Birr
Safety/Reference Supervisor
3930 16th Avenue SW
Cedar Rapids, Iowa 52404**

- **Mr. Birr has knowledge regarding CRST's policies and procedures for taking adverse action in whole or in part upon information contained in consumer reports and was involved in the notification of Mr. White of CRST's decision not to hire him.**

Any individual identified in CRST's Rule 26 Initial Disclosures.

8. Identify all current or former CRST personnel with whom you communicated at any time from September 2009 through the present, either verbally, in writing, by email, or by any other means, on any matter relating your potential employment with CRST, and for each person so identified, state the substance of the communication.

Response: White communicated with Brandi Northway, CRST Driver Recruiter regarding the CRST orientation he was scheduled to attend in Oklahoma City, Oklahoma.

9. Identify all current or former HireRight personnel with whom you communicated at any time from September 2009 through the present, either verbally, in writing, by email, or by any other means, on any matter relating your potential employment with CRST, and for each person so identified, state the substance of the communication.

Response: White disputed the information provided in his report using HireRight's dispute paper form. On December 18, 2009, HireRight sent a correspondence to White advising him of the results of his dispute and enclosing a copy of his consumer report. That correspondence was signed by HireRight's "Consumer Consulting Department." White also spoke with Amber at HireRight, phone number 918-664-9991 ext 2223 regarding his dispute.

10. Identify all other persons with whom you communicated at any time from September, 2009 through the present, either verbally, in writing, by email, or by any other means, on any matter relating to your potential employment with CRST and for each person so identified, state the substance of the communication.

Response: White communicated with his spouse, Lisa Benson White and his attorneys at Stumphauzer, O'Toole, McLaughlin, McGlamery & Loughman Co., LPA.

11. Identify if you have applied for any jobs since January 1, 2006 to the present and for each job, please state the name of the employer, date of application, and whether you were hired.

Response: Objection. White seeks only statutory damages on behalf of himself and all others similarly situated based upon CRST's violations of the Fair Credit Reporting Act. White's 6-year job application history is overly broad and not likely to lead to the discovery of admissible evidence pertaining to neither White's claims nor CRST's defenses. Subject to the objection, White applied for the following jobs:

- Prime, Inc.
P.O. Box 4208
Springfield, Missouri 65808
Application date: October 26, 2009
Not hired
- Stevens Transport
P.O. Box 279010
Dallas, Texas 75227
Application date: September 10, 2009
Not hired
- TMC
6115 SW Leland Avenue
Des Moines, Iowa 50321
Application date: December 14, 2009
Not hired

- **TransAm**
15910 S. Hwighway 169
Olathe, Kansas 66062
Application date: September 10, 2009
Not hired
- **CRST , Inc.**
3930 16th Avenue SW
Cedar Rapids, Iowas 52404
Date of Application: September 10, 2009
Not hired
- **Celadon Trucking Services**
One Celadon Drive
9503 E. 33rd Street
Indianapolis, Indiana 43235
Date of Application: September 2011
Not hired
- **US Xpress**
4080 Jenkins Road
Chattanooga, Tennessee 37421
Date of Application: October 2011
Hired
- **Heartland Express Inc**
901 N Kansas Avenue
North Liberty, Iowa 52317
Date of Application: October 2011
Not hired
- **Swift Transportation**
2200 S. 75th Avenue
Phoenix, Arizona 75043
Date of Application: September 10, 2009
Not hired
- **Werner Enterprises**
14507 Frontier Road
Omaha, Nebraska 68138
Date of Application: September 10, 2009
Not hired
- **Wiltran Logistics LLC**
5510 South Lewis Avenue
Tulsa, Oklahoma 74105

Date of Application: 2009
Hired

- **Covenant Transport**
Chattanooga, Tennessee
Date of Application: February 2, 2010
Not hired

12. Identify whether any employers have declined to hire you based upon the information contained in your criminal background report.

Response: White was declined employment by CRST in December 2009 based upon information contained in his criminal background report.

13. For any employer that has declined to hire you based upon the information in your criminal background report, please identify the name of the employer and the date you applied for the job.

Response: White was declined employment by CRST in December 2009 based upon information contained in his criminal background report. White's application to CRST was submitted on or about September 10, 2009.

14. Identify whether any employers have declined to hire you based upon your criminal record.

Response: White was declined employment by CRST in December 2009 based upon his criminal record.

15. For any employer that has declined to hire you based upon your criminal record, please identify the name of the employer and the date you applied for the job.

Response: White was declined employment by CRST in December 2009 based upon his

criminal record. White's application to CRST was submitted on or about September 10, 2009.

16. Identify, by name and address of employer, job title, dates of employment, immediate supervisor, and brief description of your job responsibilities, your employment history from high school graduation through the present.

Response: Objection. White seeks only statutory damages on behalf of himself and all others similarly situated based upon CRST's violations of the Fair Credit Reporting Act. White's entire employment history since high school is overly broad and not likely to lead to the discovery of admissible evidence pertaining to neither White's claims nor CRST's defenses. Subject to the objection, White held the following positions:

- United States Army
December 1991 - June 1999
Sergeant (E-5)
 - White's primary responsibility was training soldiers in field operations
- Maxwell Supply
1719 N. Sheridan
Tulsa, Oklahoma 74115
June 3, 2000 - December 2, 2000
Stocker and warehouse helper
 - White was responsible for loading and unloading trucks, assisting customers with orders, filling orders and packaging supplies, delivering stock, and operating a forklift.
- Tulsa Transit Lift program
1403 East 5th Court
Tulsa, Oklahoma 74120
December 21, 2000 - November 7, 2003
Assistant Supervisor
 - White drove a bus, investigated accidents, and performed employee performance checks.

- Express Employment Professionals
500 West Main
Suite 101A
Oklahoma City, Oklahoma 73102
2003 – 2009
Various temporary jobs
- Wiltran Logistics LLC
5510 South Lewis Avenue
Tulsa, Oklahoma 74105
2009 – 2011
Truck Driver
- US Xpress
4080 Jenkins Road
Chattanooga, Tennessee 37421
2011 – present
Truck Driver

17. In ¶26 of the Complaint, you allege: “White’s claims are typical of the claims of the other Class Members as all Class Members were similarly affected by CRST’s unlawful conduct in violation of the FCRA.” Please identify all other “Class Members” with whom you have communicated regarding this lawsuit and its subject matter.

Response: Because the putative class members have not yet been specifically identified, it is impossible for White to know if he has communicated with other “Class Members.” To his knowledge, White has not communicated with other “Class Members”.

18. Identify with particularity all damages you are seeking to recover in your individual capacity in this lawsuit and the factual basis for those claimed damages.

Response: White is seeking on behalf of the putative class members, statutory damages of no less than \$100.00 and no more than \$1,000.00 per class member as well as punitive damages pursuant to 15 U.S.C. § 1681n for CRST's willful or reckless failure to comply with 15 U.S.C. § 1681b(b)(2)(A)(i), 15 U.S.C. § 1681b(b)(2)(A)(ii), 15 U.S.C. §1681b(b)(3)(A)(i) and 15 U.S.C. § 1681b(b)(3)(A)(ii).

As to all objections:



Matthew A. Dooley

Dated: April 19th, 2012

Respectfully submitted,

STUMPHAUZER, O'TOOLE, McLAUGHLIN,
McGLAMERY & LOUGHMAN CO., LPA

By: /s/ Matthew A. Dooley

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Counsel for Bruce White and the Putative Class

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of April, 2012, a copy of the foregoing Plaintiff's Responses to CRST's First Set of Interrogatories was served upon the following by electronic mail:

Jeremy Gilman, Esq.
Gregory J. Lucht, Esq.
BENESCH FRIEDLANDER COPLAN & ARONOFF, LLP
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Suite 2300
Cleveland, Ohio 44114-2378
Counsel for Defendant

/s/ Matthew A. Dooley
Matthew A. Dooley
*Counsel for Bruce White and the putative
class*

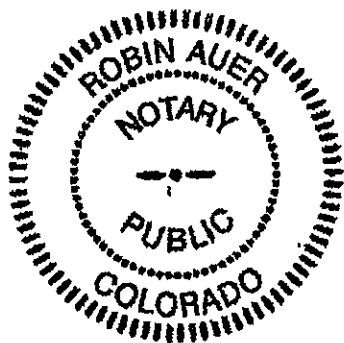
VERIFICATION

STATE OF Colorado)
COUNTY OF Jefferson) SS:

Bruce White, being duly sworn according to law, deposes and states that the answers to the foregoing Interrogatories are true to the best of his/her knowledge and belief.


Bruce White

SWORN TO BEFORE ME, a Notary Public, and subscribed in my presence this
26th day of April, 2012.




Notary Public

